Supreme Court, U.S.
FILED
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No.

In The
SUPREME COURT of the UNITED STATES

IN RE: Eileen Vey

Petition For An
EXTRAORDINARY WRIT
Mandamus/Prohibition

Eileen Vey
804 Cedar Avenue
Pittsburgh PA 15212
(412) 233-3131

QUESTION(S) PRESENTED

I.

WHETHER THIS COURT SHOULD ORDER CHARGES DROPPED AND NAME CLEARED OF THE PETITIONER, WHO PROVED ON FIRST INSTANT HER INNOCENCE IN A 1984 PRIMA FACIE CASE IN WHICH THE TIME ALREADY HAS BEEN SERVED.

II.

WHETHER IT IS UNCONSITUTIONAL TO ANNEX THE JUDICIAL BRANCH TO THE EXECTUTIVE BRANCH OF GOVERNMENTS BY GIVING PRESIDENTS AND GOVERNORS PARDON POWER FOR THE INNOCENT SEEKING COURT RELIEF.

PARTIES INVOLVED

Involved are the Pennsylvania Attorney General, the Allegheny County District Attorney and the Petitioner, Eileen Vey.

In The
United States Supreme Court

In Re: Eileen Vey

Petition for Extraordinary Writ of
Mandamus/Prohibition
(expedition requested)

Eileen Vey, the petitioner, requests this honorable Court to order **(Marburger)** Pennsylvania state to drop all charges and clear her name of charges and criminal record for a 1984 case, for which she proved her innocence and already has served the time.

REPORTS BELOW

Eileen Vey was refused redress of her grievance of innocence and relief repeatedly over the long years. State exhaustion and jurisdictional lack were reasons given by U.S. Court of Appeals (3RD) and by PA Supreme Court on September 25, 2006, July 24, 2007 and April 1, 2007, where she was referred to the clemency procedures.

JURISDICTION

Jurisdiction is invoked under Rule 20 Extraordinary Writ: in aid of the Court's appellate jurisdiction (court system referring court relief matters to executive branch), extraordinary circumstances that warrant intervention (case prejudiced in lower biased courts, married by a PA Judge friend of husband, repeated submissions over the decades, etc.,) and there is no other Court available to obtain relief (courts claim case exhaustion and lack of jurisdiction by CA3RD)

U.S. CONSTITUTIONAL PROVISION

Eileen Vey's civil rights are being violated in that she is being deprived of rights to clear her name in this 1984 case, as well as the other civil rights being deprived concerning other matters, as the results of all this. (one matter involving her intellectual properties in her litigation are being stolen, etc.) However, focus here is the 1984 issue of innocence and clearing her name to be resolved.

STATEMENT OF CASE

After being acquitted of 1st degree homicide, the petitioner was found guilty of 3rd degree homicide and carrying firearm without license, a 1984 case, in which that verdict was against the weight of the evidence, because the petitioner proved her innocence at that time and decades following, without court relief.

REASON FOR PETITION BEING GRANTED

The reason this petition must be granted is Eileen Vey is innocent, which she has proven for decades in her prima facie case and which reason justifies her right to clearing her name.

Eileen, not taking the witness stand, produced evidence that met the requirements for the Justification Defense, which was admitted by the PA Superior Court Judges, right to bear arms, the "exception clause" of carrying a firearm (18 PA CSA § 6101(b)) because she feared for her life, having been left to fend for herself when police failed to serve warrant on her husband, who tried to kill her, and the McNaughten Rule, as she was diagnosed with the "Battered Wife Syndrome" being continually abused by husband.

Moreover, there was "reasonable doubt" that petitioner committed any act at all, due to the overwhelming discrepancies in the case. There was no gun powder found on Eileen's hand after test was taken; Eileen was not picked from a line-up, but police brought witness into room and pointed her out to witness, police claimed there was a confession, but failed to produce evidence of it, which Eileen never gave; the Third Circuit said Vey's Miranda's Rights were violated by the police in that case; there was a gang of men at the bridge, who were suspects and previously two blocks from that bridge a man attacked Eileen's husband with a baseball bat by breaking his car windshield after he ran for cover to car; witness said husband went down prior to hearing gunshot

(someone's silencer?), the list goes on and on, yet still no court relief.

"Courts use the concept of "prima facie case" in two senses: (1) in sense of plaintiff producing evidence sufficient to render reasonable conclusion in favor of allegation she asserts; and (2) in sense that nor only the plaintiff's evidence would reasonable allow conclusion plaintiff seeks, but also that Plaintiff's evidence compels such a conclusion, if the defendants produce no evidence to rebut it" **Husbands v. Com of PA**, 395 FS 1107 and 1139.

Prima Facie Evidence is good and sufficient on its face and such evidence which, in the judgment of the law, is sufficient to establish a given fact. Moreover, prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue which it supports." **State v. Haremza**, 213 Kan. 201, 512 P.2d.

Further evidence was established in this Court at Writ No. 03-1219, when both the Allegheny County District Attorney and the Pennsylvania Attorney General submitted to this Court Waivers and did not refute Eileen Vey's claims of innocence in her prima facie case. These same attorneys received the long list, which proved Vey's innocence in a Writ, which this Court returned to petitioner January 14, 2004.

BLACKMUN, J. dissenting, **Herrera**, 506 US 446, "I have voiced disappointment over this Court's obvious eagerness to do away with any restriction on the States' power to execute

whomever and however they please. See **Coleman v. Thompson**, 501 US 722, 758-759 (1991) (dissenting opinion). See also **Coleman v. Thompson**, 504 US 188, 189 (1992) (dissent from denial of stay of execution). I have also expressed doubts about whether, in the absence of such restrictions, capital punishment remains constitutional at all. **Sawyer v. Whitley**, 505 US at 343-345 (opinion concurring in judgment). Of one thing, however, I am certain. Just as an execution without adequate safeguards is unacceptable, so too is an execution when the condemned prisoner can prove that he is innocent. The execution of a person who can show that he is innocent comes perilously close to simple murder." IT IS.

"History shows that the traditional remedy for claims of innocence based on new evidence, discovered too late in the day to file a new trial motion, has been executive clemency." 506 US 417. This Court has a responsibility of upholding the U.S. Constitution under its Linchpin, Article VI (2), the federal Supremacy Clause, **Marburger v. Madison**, **Ginsburg v. U.S.**, and **Chisholm v. Georgia**.

CONCLUSION

WHEREFORE, Vey requests this Court to order Pennsylvania state to drop all charges and clear her name of criminal record concerning 1984 aforementioned charges.

Respectfully submitted,

APPENDIX 1

SUPREME COURT OF PENNSYLVANIA
Western District

John A. Vaskov, Esq
Deputy Prothonotary

Patricia A. Nicola
Chief Clerk

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April 1, 2008

Ms. Eileen Vey
804 Cedar Avenue
Pittsburgh, PA 15212

Dear Ms. Vey:

As with the "King's Bench Petition" received on September 25, 2006, and the "King's Bench Matter" received on July 24, 2007, we are returning your "King's Bench Petition" (original and nine copies), which was received in our office today. As explained previously, "The Court's King's Bench jurisdiction is not a means by which a case in which the judgment has become final can be re-opened to present claims such as those you put forward in your petition."

Very truly yours,
John A. Vaskov
Deputy Prothonotary

Cc: Michael W. Streily, Esq.